

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

ROBERT DAVID DUNN,)	
)	
Petitioner,)	
)	
-vs-)	Case No. CIV-12-722-F
)	
STATE OF OKLAHOMA and)	
JANET DOWLING, Acting Warden,)	
)	
Respondents.)	

ORDER

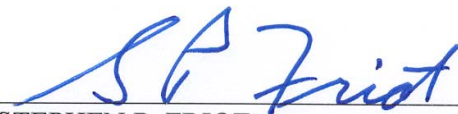
United States Magistrate Judge Robert E. Bacharach issued a Report and Recommendation on October 9, 2012, wherein he recommended that the court grant summary judgment to the respondents for petitioner's failure to exhaust available state administrative remedies.¹

Presently before the court is petitioner's timely objection to the Report and Recommendation. The court has conducted a *de novo* review of the matter in accordance with 28 U.S.C. § 636(b)(1). Having done so, the court concurs with Magistrate Judge Bacharach that respondents have demonstrated a failure by petitioner to exhaust available state administrative remedies. The court finds petitioner's objection to be without merit. The court therefore accepts, adopts and affirms the Report and Recommendation.

¹ On August 8, 2012, respondents filed a motion to dismiss petitioner's petition for writ of habeas due to petitioner's failure to exhaust state administrative and judicial remedies. *See*, Doc. no. 9. The next day, August 9, 2012, Magistrate Judge Bacharach issued an order converting respondents' motion into one for summary judgment and providing notice to petitioner of his need to respond to respondents' motion as one for summary judgment. *See*, Doc. no. 10.

Accordingly, the Report and Recommendation issued by United States Magistrate Judge Robert E. Bacharach on October 9, 2012 (doc. no. 14) is **ACCEPTED, ADOPTED** and **AFFIRMED**. Respondents' motion for summary judgment is **GRANTED**. Judgment shall issue forthwith.

DATED October 31, 2012.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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